

# Elections Advisory Committee

To the Secretary of State, Texas

January 31, 2003

To: Rick Perry, Governor  
David Dewhurst, Lieutenant Governor  
Tom Craddick, Speaker of the House  
Gwyn Shea, Secretary of State

From: John Cranfill  
**The Dallas Morning News**  
2001-2003 committee chairman

## Observer's Report for the Nov. 5 general election in Texas

In a decisive general election Nov. 5, 2002, Texas Republicans rode a wave of party popularity and swept all the statewide races, including Governor, Lieutenant Governor, Attorney General, U.S. Senator and judgeships. The GOP also took control of the Texas House for the first time in 130 years, in addition to retaining the Texas Senate they already controlled, for complete Legislative domination.

Turnout for the top statewide posts was 36% of 12,563,459 registered voters among the state's 8,554 precincts. There were 1,633,057 early votes cast. In all, 172 races appeared on the ballot and were tabulated. Further, there was one proposition, which passed, to abolish the office of constable if vacant for a reasonable time.

The political fight for governor and U.S. Senator were highlights, pitting Democratic businessman Tony Sanchez against Republican Governor Rick Perry, while Democrat Ron Kirk tried to defeat Republican John Cornyn for the U.S. Senate seat of retiring three-term Senator Phil Gramm.

In this race, Perry got 57.8% of the votes (2,617,106), compared to Sanchez' 40% and 1,809,915 votes. For Lieutenant Governor, David Dewhurst received 51.8% or 2,327,803 votes, while Democrat John Sharp got 46.1% and 2,071,860 votes.

Another aspect of this election was the high cost to candidates. It was the most expensive governor's election in Texas history. Sanchez spent \$64 million, or \$36.15 per vote, in his losing bid. Perry spent \$24.1 million or \$9.41 per vote.

Race was not a prominent campaign element of the election, but the Democratic ticket was headed by Hispanic and African American candidates for governor and U.S. Senator for the first time in Texas.

To prepare for this election, the Secretary of State hosted a meeting of the Elections Advisory Committee on September 4, 2002 in Austin to plan the election night returns (ENR) system used by the news media.

As a result of that meeting, this Observer's report for the night of Nov. 5 is being presented by John Cranfill, chair of the committee, and Mr. Michael Schneider of the Texas Association of Broadcasters, committee member. The full committee met in Austin on December 17, 2002, to review this report and the findings from the election night operation, to see if improvements can be made before the next election.

Also included in this report is a special election contest held Saturday, Dec. 14 for Texas House





representative district 62, featuring four Republicans and one Democratic candidate, and a January 7, 2003 runoff as a result.

But first, on the night of Nov. 5's general election, the Secretary of State set up an election center in the Earl Rudder Building for getting the voting results from counties and sending these out to the public through established news media, an Internet web site and printed reports. This report reflects what happened under the direction of Gwyn Shea, Secretary of State.

The Election Night Returns system worked very well for the news media members who subscribed and paid several thousand dollars each for the right to connect directly to the Secretary of State's computer system in Austin. There were 9 remote subscribers and 8 newswire subscribers, plus the Associated Press direct feed of tabulated vote results. Additionally, the governor, lieutenant governor and speaker received direct terminal hook-ups to the system, as specified in the Texas Election Code.

The only serious flaw in this election computer system was a database failure on election night that caused the Associated Press to not receive new vote totals for about an hour--from 9:30 to 10:20 p.m.--which was the most critical time for its television station customers. During that time the AP received no fresh vote totals from the Secretary of State via



**Melinda Nickless checks numbers from every county for correct totals.**



**Data entry staffers taking vote numbers from counties via telephone.**

transmissions, but the AP inquiry terminals continued to work. An investigation by the Secretary of State information technology staff found a database problem had happened, but no alerts were sent by the computer. This will be addressed and fixed before the next general election, so both the Associated Press and the Secretary's staff will receive automatic computer alerts whenever the flow of data is interrupted. A plan for this was developed at the December 17 election review, and a technical meeting that followed.

In another problem, news media reporters who were getting vote totals from the Secretary of State's Web site complained of slow or no access during Tuesday evening. Jim Edwards of the IT staff has been able to find very heavy outside traffic of almost 500,000 inquiries between 7 p.m. and midnight on election day. This would cause the Web servers to be overloaded and slow in response to heavy Internet traffic. Again, the IT staff will examine this to see if adjustments can be made to increase this access speed for the general public, either through increasing the Internet access bandwidth, or outsourcing public access.

It must be stressed, however, that the Internet Web site is not a guaranteed, reliable source of vote totals, and if reporters do rely on this, interruptions and slow response time are hazards to be expected. At times Web pages may not download at all, as happened Nov. 5.

Overall election results were slow most of the night Nov. 5. The reason for this frustrating situation was very slow returns from some of the state's largest counties, mainly Bexar and Tarrant. But Dallas and Harris counties also had problems to a lesser extent.

Dallas had a calibration problem in its early voting machines, while Harris used a new computer system for voting. Early voting in Dallas was challenged through the state courts, and counting these votes moved slowly. Harris County had a modem problem which prevented its first report from being filed until 9:30 p.m.

Tarrant Elections Administrator Robert Parten found Tarrant County's optical scanners were not programmed correctly at the precinct level. This was discovered at 2 p.m. on election day, so the ballots could not be counted until they were brought downtown.

Bexar County had the dubious distinction of being the last in Texas to report its results--at 12:50 a.m. on Thursday, Nov. 7. Elections Administrator Cliff Borofsky in Bexar County struggled with counting early ballots that involved a two-page ballot, and therefore did not attempt to count any election day votes until the early votes were complete. At midnight Bexar County had not touched any ballot boxes from that day, while concentrating on the early vote tabulation.

This made back-to-back elections with late returns for Bexar. It should be noted that Bexar County had an abnormal primary event back in March when many election judges did not show up in San Antonio and the polls could not open at 7 a.m. as required by law. As a result of party complaints, a Bexar County state judge extended poll closing time for both parties to 10 p.m., issuing a temporary restrain-



**Kim Sutton dealt with calls from the news media on election night.**



**Ann McGeehan and Lorna Wassdorf double-check a county's results.**

ing order. Both parties followed the TRO, which delayed vote tabulation.

The Elections staff pursued these late results with energy. They called counties throughout Tuesday evening and the early morning hours on Wednesday. By 2 a.m., there were 38 counties still incomplete, after Harris finished. At 4:23 a.m. Bexar County reported the first time with its early vote precinct.

A standstill was reached at 6:30 a.m. Wednesday with five counties still out--Bexar, Bosque, Falls, Hardin and Tarrant. No more counties could report until workers went home to get some rest and then resume hand counting of ballots later in the day.

Bosque reported final at 12:35 p.m. on Wednesday, Nov. 6.

Falls reported final at 1:29 p.m. on Wednesday, Nov. 6.

Hardin reported final at 3:45 p.m. on Wednesday, Nov. 6.

Tarrant reported final at 4:07 p.m. on Wednesday, Nov. 6.

Bexar reported final at 12:50 a.m. on Thursday, Nov. 7.

In summary, the Nov. 5 results trickled in on election night and positioned the news media to have to report some important races as undecided at the end of the night. This is not the normal situation.



There were 106 counties reporting via the World Wide Web ([www.sos.state.tx.us](http://www.sos.state.tx.us)) to the Secretary's system in Austin, using secured Web screens. This eliminated phone calls to Austin from these counties, saving time and eliminating the number of staff personnel needed to take phone calls. Using the Web should save time and speed up the final count for Texas elections in the future, as more of the state's 254 counties use this method.

The news media in Texas has a unique role: advising the state's election reporting operation and getting to participate in the process that ensures needed results in a format that radio, television stations and newspapers require—all in a timely manner. This now includes putting vote results up on a public World Wide Web site during the evening for anyone to read. As the state's chief elections official, Secretary of State Gwyn Shea is advised by this EAC committee.

The whole community involved with this—the newspapers, television stations, radio stations, the Associated Press headquarters in Dallas, the AP in New York, the Texas press and media associations and the secretary's staff—has worked to ensure fast, clean election tabulations, and posting of results for the public to see quickly through the news media and on the Internet.

The purpose of the Elections Advisory Committee is to evaluate the tabulation process of unofficial returns for elections conducted by the secretary of state, make any recommendations it thinks appropriate and submit a written report after each election to the Texas secretary of state, governor, lieutenant governor and speaker of the house.

The committee is made up of six people appointed by the secretary of state, lieutenant governor and speaker, with appointments made in odd-numbered years to serve for two years.

The 2001-2003 committee met on Sept. 4, 2002 in Austin at the Texas Association of Broadcasters building to fulfill the requirements of the Texas Election Code, Chapter 68, to review the Secretary's procedures for the Nov. 5, 2002 general election in Texas. Observers were appointed for the election.

Internet postings ran about 5 to 10 minutes behind the live system of terminals in Austin and had 455,000 page hits and 130,000 page views.

On Nov. 5, Secretary Shea staffed the Election Night Returns system in Austin with 31 data entry people,

supervised by Lorna Wassdorf and Diane Gatusso, to enter county results into the computer system. There were 16 staffers to monitor the flow of results from counties, supervised by Ann McGeehan, Director of Elections, and Melinda Nickless, Assistant Director of Elections.

Other key personnel involved in the election were Vanessa Tisdale, Deputy Assistant Secretary of State for Information Services and key people on her staff (Jim Edwards, John Mendoza, Jim McBride). The elections staff included Director of Special Projects, Kim Sutton and Kim Thole.

Counties were required to call the Secretary of State's office with vote totals on election night. Data entry personnel entered these totals in the system, and monitors called counties periodically if totals had not been reported. Reporters and editors could use a terminal on this live system in Austin, or connect to it remotely, as several media organizations did for this election. The Associated Press in Dallas and New York receives direct feeds from the Secretary's computer.

Newspaper and television editors contacted said the election night operation was a good one from their perspective, except for the slow Web access.

## Special Election

On Saturday, Dec. 14, 2002, a special election was held to fill the vacated seat in the Texas House District 62. Two counties, Fannin and Grayson, were involved in this election. Five candidates appeared on the ballot—four Republicans and one Democrat, and drew a total of 9,164 votes.

The Secretary of State's staff took calls from the counties and posted results to the Secretary's Web site. John Mendoza, Jim McBride and Maan Hamze had final results posted by 9:44 p.m. Saturday night.

Democrat Donnie Jarvis received 26.0% and Republican Larry Phillips got 32.9% to land run-off positions. That runoff was held Jan. 7, 2003 and the outcome was Republican candidate Larry Phillips won.

We congratulate the Secretary of State's staff for executing this special election and runoff plan quickly and inexpensively, using the World Wide Web to distribute the results instead of the full computer database system. Well done. The next special election will be May 3, 2003 to fill a vacant seat in the 19th Congressional District of Texas.

